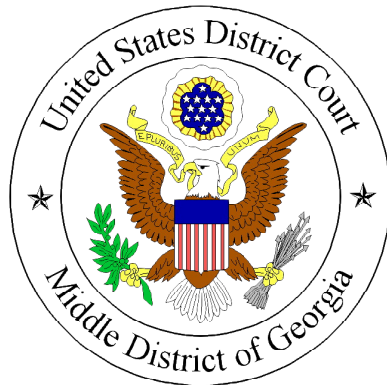


REVISED October, 2004

# CIVIL CASES

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## **Administrative Procedures**

**FOR FILING, SIGNING, AND VERIFYING  
DOCUMENTS BY ELECTRONIC MEANS**

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA**

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA**

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING, AND VERIFYING  
DOCUMENTS BY ELECTRONIC MEANS IN CIVIL CASES**

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**ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING, AND VERIFYING  
DOCUMENTS BY ELECTRONIC MEANS IN CIVIL CASES**

**I. THE CASE MANAGEMENT/ELECTRONIC FILES SYSTEM (CM/ECF)**

**A. AUTHORIZATION FOR ELECTRONIC FILING**

Standing Order No. 04-01 authorizes electronic filing in conjunction with Federal Rule of Civil Procedure 5(e). Pursuant to Standing Order No. 04-01, the following procedures govern electronic filing in this district unless, due to extraordinary circumstances in a particular case, a judicial officer determines that these policies and procedures should be modified in the interest of justice.

**B. DEFINITIONS AND INSTRUCTIONS**

The following definitions and instructions shall apply to these procedures as set forth for purposes of electronic filing:

- ▶ The term “**document**” shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, correspondence and any other filing by or to the Court.
- ▶ The term “**party**” shall include counsel of record and a *pro se* litigant.
- ▶ The term “**CM/ECF**” refers to the court’s Case Management/Electronic Case Files system.
- ▶ The term “**CM/ECF Web Site**” refers to the official Internet site of the Middle District of Georgia at [www.gamd.uscourts.gov](http://www.gamd.uscourts.gov)
- ▶ A “**CM/ECF User**” is a person who is registered to use the CM/ECF web site.
- ▶ “**Electronic filing**” means uploading a document directly from the registered user’s computer, using the court’s Internet-based system to file that document in the court’s case file. Sending a document to the court via e-mail does not constitute “electronic filing.”
- ▶ “**Conventional filing**” means filing a paper document with the court.
- ▶ The “**E-Mail Address of Record**” is the internet e-mail address of each party to the case as maintained by the Clerk.
- ▶ A “**Notice of Electronic Filing**” is generated automatically by the CM/ECF system upon completion of an electronic filing. The Notice of Electronic Filing, when e-mailed to the e-mail addresses of record in the case, serves as proof of service.
- ▶ The term “**PDF**” refers to Portable Document Format. A PDF document allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. For information on PDF, users may visit the web sites of PDF vendors, such as <http://www.adobe.com/products/acrobat> or <http://www.fineprint.com>.

- ▶ Procedures and instructions for using the CM/ECF system consistent with these policies may be found on the court's internet site at [www.gamd.uscourts.gov](http://www.gamd.uscourts.gov).
- ▶ All hours stated shall be Eastern Time.

### C. TECHNICAL SPECIFICATIONS

It is expected that the following hardware and software will be needed to electronically file, view, and retrieve documents in CM/ECF.

- ▶ A pentium computer running Windows 95 or higher or a Macintosh operating system. (Minimum - 100 MHz and 256 MB RAM; Recommended - 100 MHz and 512 MB RAM)
- ▶ Ability to convert documents from a word processor such as WordPerfect or Word to portable document format (PDF)
- ▶ CM/ECF has been tested and works correctly (at a minimum) with browsers Netscape Version 4.5 or higher and Internet Explorer Version 5.5 or higher. However, Netscape Version 7 **or** higher or Internet Explorer Version 6 is recommended for optimum performance. **(Please note that Netscape Version 6 is not recommended for use with CM/ECF).**
- ▶ High speed internet access (56K or higher recommended).
- ▶ Access to a scanner if non-computerized documents need to be imaged.
- ▶ When scanning documents to be subsequently filed electronically, filing parties should make certain their **scanners are configured for 300 dpi and black and white** rather than color scanning. The filing party is responsible for the legibility of the scanned document. If for any reason a document cannot be easily read after scanning, the filing party should not electronically file the document. Instead, the filing party must conventionally file it with the Clerk's Office and include a Notice of Manual Filing (see sample Form B) explaining the reason for conventional filing.

Because large documents (more than two megabytes) may not upload properly to the CM/ECF system or download within a reasonable amount of time for users with a 56K modem, documents of this size will be rejected. To be accepted by CM/ECF, they will need to be segmented into individual files no larger than ten megabytes each and will need to be included as attachments to the pleading being filed. (As an example, to check file size for a WordPerfect file, you would open the file and at the top menu bar select "View"; then select "Details". The "Details" feature will display the actual

file size for all files in the directory in which the particular file you are working with is located.)

#### **D. SYSTEM AVAILABILITY**

CM/ECF is designed to provide service 24 hours a day, 7 days per week. **However, parties are encouraged to file documents in advance of filing deadlines and during normal business hours.** For assistance with questions regarding the electronic filing system or the registration process, users may contact the Clerk's Office in either of two ways: (1) The Help Desk will be available at 1-866-862-5465, Monday through Friday from 8:30 AM to 5:00 PM. After hours, users will be able to record a voice mail message and the call will be returned the next business day; or, (2) Questions may be e-mailed to the court from the court internet site at [www.gamd.uscourts.gov](http://www.gamd.uscourts.gov). Select "CM/ECF" on the homepage, then select "Contact Us" from the CM/ECF page. A telephone number should be provided in the e-mail in the event the court needs to contact the user by phone to resolve the problem.

**If a party is unable to file electronically and as a result, may miss a filing deadline, documents should be filed conventionally with the Clerk's Office, or if after business hours, court drop boxes should be used.** Drop boxes are located on the exterior of the building at each divisional office with the exception of Thomasville; Thomasville filings may be placed in the drop box in any other division. If filing under these circumstances, a Notice of Manual Filing (see sample Form C) should be conventionally filed along with the document to indicate why filing could not be accomplished electronically.

#### **E. SELECTION OF CASES**

Unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge, all documents<sup>1</sup> submitted for filing in civil cases in this district after October 6, 2004, **with the exception of documents in cases filed prior to January 1, 2001 (see section II.A.10. of this manual)**, shall be filed electronically or shall be scanned and uploaded to the CM/ECF system. Documents may also be submitted for filing to the Clerk's Office on removable media (i.e. 3.5" disk or CD) as PDF ("Portable Document Format") files.

1. Parties proceeding *pro se*, however, are not authorized to file electronically at this time.

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<sup>1</sup>The requirement that "all documents" be filed electronically includes briefs, transcripts of proceedings, and deposition transcripts used in support of motions or at trial.

2. The filing of social security cases and subsequent pleadings shall be subject to the limitations imposed in paragraph III.A. of these procedures.
3. A case filed under seal will be maintained in paper form and will not be scanned and uploaded to CM/ECF unless the assigned judge orders the case unsealed.
4. An attorney may apply to the assigned judge for permission to file documents conventionally. However, even if the assigned judge initially grants an attorney permission to file documents conventionally, such permission may be withdrawn during the pendency of a case and require the attorney to file documents electronically using CM/ECF.
5. The Clerk's Office or any judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the Court. The Court may also amend these procedures at any time without prior notice.

#### **F. REGISTRATION**

1. Each attorney filing electronically must complete an Attorney/Participant Registration Form which is available on the court internet site at [www.gamd.uscourts.gov](http://www.gamd.uscourts.gov) (select "CM/ECF" link); the form should be completed on-line and submitted directly to the court. An e-mail will be sent within two business days to advise the registering participant of his/her login and password. The court will issue logins and passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements in Local Rule 83.1.1(c), 83.1.2 (c), and 83.2.
2. Once registered, an attorney may withdraw from participation in filing through CM/ECF by providing the Clerk's Office with a Notice of Withdrawal. Such notice must be in writing, and mailed or delivered to United States District Court, P.O. Box 128, 475 Mulberry Street, Macon, Georgia, 31202. Upon receipt, the Clerk's Office will immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list. An attorney's withdrawal from participation shall not be construed as authorization to file cases or documents conventionally.
3. After registering, attorneys may change their passwords at any time. It is important to note that at any time an attorney discovers the security of an existing password has been compromised, the attorney should immediately change his or her password in the CM/ECF system in order to preserve the integrity of the signature on documents being filed. In addition, if the

attorney feels there has been a compromise, he/she must immediately notify the Clerk's Office by telephone of the change in password so the court is aware there may have been possible unauthorized use of the system.

4. At any time an attorney registered to electronically file documents through CM/ECF has a change in e-mail address, mailing address, telephone, or fax number, he/she will be responsible for making the change in CM/ECF. However, he/she must file a notice of address change with the court and serve it on other parties to the case. For instructions on how to change this information in CM/ECF, refer to Appendix A or the CM/ECF User's Manual.
5. **A PACER login is required, in addition to, the user ID and password issued by the court for CM/ECF.** To register for PACER, a user must complete the online form or submit a registration form, available on the PACER web site (<http://pacer.psc.uscourts.gov>).

#### **G. LOGIN AND PASSWORD**

Each attorney admitted to practice in the Middle District of Georgia shall be entitled to one login and password from the District Court. The login and password permits the attorney to participate in the electronic retrieval and filing of pleadings and other papers.

1. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her office.
2. Once registered, the attorney shall be responsible for all documents filed with his or her password.
3. Registration for a login and password is governed by paragraph I.F.
4. An attorney admitted *pro hac vice* must register for a login and password in accordance with these Administrative Procedures.

## **II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### **A. FILING**

1. Electronically filed documents must meet the requirements of Fed. R. Civ. P. 10 (Form of Pleadings), and Local Rule 5 (Filing With the Court), as if they had been submitted on paper. Documents filed electronically are also subject to any page limitations set forth by court order or by Local Rule 7.4 (Page Limitation).



2. All motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, correspondence, or other documents in a case shall be electronically filed in CM/ECF except as otherwise provided by these administrative procedures.

E-mailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules of Civil Procedure until the filing party receives a system-generated "Notice of Electronic Filing" described in paragraph II.(B)1 of these procedures.

3. Complaint and Other Case Initiating Documents.

(a) All complaints and other case initiating documents along with any summonses to be issued at the same time must be filed conventionally with the court until further notice. Upon receipt, the Clerk's Office will scan and file these documents in CM/ECF.

**(b) A party may not electronically serve a complaint, but instead must effect service according to Federal Rule of Civil Procedure 4.**

4. Summonses.

(a) The Clerk's Office will accept summonses to be issued that are either delivered in person to the Clerk's Office or sent by United States mail. In addition, for summonses to be issued on a date after the case has already been opened in the Clerk's Office, e-mail may be used.

(b) The party requesting the summonses to be issued must complete the top portion of the summons form. If sending these forms by United States mail, a stamped, self-addressed return envelope must be included. If e-mailing them, you should go to the court website, select CM/ECF and click on the link for On-Line Summons Form; then complete and e-mail the forms to the Clerk's Office. When e-mailing the forms, the subject line **must** include the case number and the short title of the case.

(d) Once a summons has been issued, the Clerk's Office will make the docket entry in CM/ECF and return the summons to the attorney or party through the Notice of Electronic filing, through U.S. Mail, or personally at the counter depending on the method in which the summons were received for issuance.

**(e) A party may not electronically serve a summons, but instead must perfect service according to the Federal Rule of Civil Procedure 4.**

5. A document will be deemed timely filed if filed by 11:59 PM on the date of the deadline; however, the assigned judge may order a document to be filed by a time certain. Because filing of a large document initiated close to the deadline (e.g., at 11:59 PM or a time certain) may not be completely processed in CM/ECF by the deadline, the deadline may not be met. A document filed electronically is deemed filed at the date and time as stated on the Notice of Electronic Filing received from the court.
6. If filing a document requires leave of the court, such as an amended complaint or a sur-reply, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in section V. If the court grants the motion, the order may direct the attorney to file electronically an exact duplicate of the document with the court.
7. Attachments and exhibits larger than two megabytes may be filed electronically in separate two-megabyte segments or may be submitted, bound, in conventional format. The filing party must serve conventional copies on all other parties to the case.
8. The filing of disclosures under F.R.Civ.P. (26)(a)(1) or (2) and discovery requests and responses including depositions, interrogatories, requests for production of documents, requests for admission, and answers and responses thereto shall be governed by Local Rule 5.
9. Effective October 6, 2004, the Clerk's Office will not accept paper filings in any case filed on or after January 1, 2001, except as otherwise provided in these procedures. Since the court began electronic scanning of paper documents in new cases filed beginning January 1, 2001, the official court record for cases filed on or after that date shall be the electronic file maintained in CM/ECF. The official record shall include, however, any conventional documents or exhibits filed in accordance with these procedures. **For cases filed prior to January 1, 2001, that are still pending on October 6, 2004, documents should continue to be conventionally filed and the paper file will constitute the official record.**
10. As registered users of CM/ECF, staff court reporters must file electronically in CM/ECF certified transcripts of proceedings or submit to the Clerk's Office for uploading to CM/ECF a 3.5" diskette or a CD containing the certified transcript of the proceedings in PDF format. Contract court reporters must submit either a 3.5 "diskette or a CD containing the certified transcript of the proceedings in PDF format.

11. For all civil filings electronic or conventional, the style of the case number on the face of documents will be as follows:

**[division #]:[2-digit year]-cv-[case #]-[judge initials]**

(Example: 5:04-cv-100-DF)

Division numbers are:

Albany	-	1
Athens	-	3
Columbus	-	4
Macon	-	5
Thomasville	-	6
Valdosta	-	7

Access to individual cases in CM/ECF will require that you enter case number information properly.

## **B. SERVICE**

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the CM/ECF system will generate a “Notice of Electronic Filing” to the parties and counsel of record. The system-generated e-mailing of the “Notice of Electronic Filing” shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for this form is attached as Form A, Certificate of Service.
3. A party who is not a registered participant in CM/ECF is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party should include the “Notice of Electronic Filing” to provide the recipient with proof of the filing.

4. The three-day rule of Federal Rule of Civil Procedure 6(e) for service by mail shall also apply to service by electronic means.<sup>2</sup>
5. A filer who elects to bring a document to the Clerk's Office for scanning and uploading to CM/ECF must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document. The certificate of service should be provided at the time the documents(s) is brought in to the Clerk's for scanning and docketing.

### C. SIGNATURES AND AFFIDAVITS

1. A pleading or other document requiring an attorney's signature shall be signed in accordance with the following example, whether filed electronically or submitted on disk to the Clerk's Office: "s/(attorney name)." The correct format for an attorney signature is as follows:

**s/Judith Attorney**

Judith Attorney Bar Number: 12345

Attorney for (Plaintiff/Defendant)

ABC Law Firm

123 South Street

Macon, Georgia 31201

Telephone: (478) 123-4567

Fax: (478) 123-4568

E-mail: judith\_attorney@law.com

2. Documents which **must contain original signatures, those which require either verification or an unsworn declaration under any rule or statute, stipulations or other jointly executed documents shall be filed electronically with originally executed copies maintained by the filer.** The pleading or other document electronically filed shall indicate all necessary signatures using one of two methods: (a) in the format shown in 1. above (e.g., "s/Jane Doe", etc.), or (b) the original document with all signatures may be scanned and electronically filed in CM/ECF. The filing party or attorney shall retain the hard copy of the document containing the original signatures for two (2) years after final resolution of the action, including final disposition of all appeals.

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<sup>2</sup>Attorneys should be aware that response and reply due dates, which appear when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of these deadlines.

3. In addition, for any document filed electronically that contains two or more signatures, a certification by the attorney submitting the electronic filing must appear on the signature page to state the following:

“I certify that the originally executed document contains the signatures of all filers indicated herein and therefore represents consent for filing of this document.”

#### **D. FEES PAYABLE TO THE CLERK**

Any fee required for filing a pleading or paper in District Court is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The Clerk’s Office will document the receipt of these types of fees on the docket. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

#### **E. ORDERS**

1. The assigned judge, or his designee, shall electronically file all signed orders. Any order signed electronically has the same force and effect as if the judge had affixed the judge’s signature to a paper copy of the order and it had been entered on the docket conventionally.
2. When mailing paper copies of an electronically filed order to a party who is not a registered participant in CM/ECF, the Clerk’s Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.
3. The assigned judge, or his designee, may grant routine motions by a text-only entry upon the docket. In such cases, no PDF document will issue with the docket entry and the text-only entry shall constitute the court’s only order on the matter. CM/ECF will generate a “Notice of Electronic Filing” as described in II.B.1. of these procedures.

#### **4. Filing Proposed Documents**

With the exception of proposed documents set forth in paragraph 4 below, proposed documents should be filed electronically in PDF format and must be attached as an exhibit to a motion or stipulation. If the judge approves the proposed document, the order may direct the attorney to file electronically an exact duplicate of the document with the court.

4. **Submitting Proposed Scheduling and Discovery Orders and Proposed Pretrial Orders**

Proposed Scheduling Discovery Orders and Proposed Pretrial Orders must be e-mailed to the court as an attachment to the e-mail and in word processing format, not PDF format. The subject line of the e-mail must include the case number and short title. To e-mail, go to the court website, select CM/ECF and click on the hyperlink E-mail Proposed Scheduling and Discovery Order or Proposed Pretrial Order.

Once received, approved, and signed by the judge, these documents will be electronically filed in CM/ECF by the court and notice of such will be provided to all counsel of record through the Notice of Electronic Filing.

**F. TITLE OF DOCKET ENTRIES**

The party electronically filing a pleading or other document shall be responsible for designating an appropriate docket entry title for the document by using one of the docket event categories prescribed by the court.<sup>3</sup>

**G. CORRECTING DOCKET ENTRIES**

1. Once a document is filed electronically and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. CM/ECF will not permit the filing party to make changes to the document(s) or docket entry filed in error once the transaction has been accepted and the Notice of Electronic Filing has displayed.
2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number and failing to realize the error before the transaction is completed. **The filing party should not attempt to re-file the document unless at the end of the filing deadline.**
3. As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested. If appropriate, the court will

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<sup>3</sup>Readers may view the "CM/ECF Civil Menu for Attorneys" on the court's web site at <http://www.gamd.uscourts.gov>. Click on the CM/ECF Website link.

make an entry indicating that the document was filed in error. The filing party will be advised if the document needs to be re-filed.

#### **H. RETENTION OF ORIGINALS OF DOCUMENTS REQUIRING SCANNING**

Originals of documents requiring scanning to be filed electronically must be retained by the filing party and made available, upon request, to the Court and other parties for a period of two years following the expiration of all time periods for appeals. If an appeal is filed, all original documents pertinent to the appeal may need to be mailed or delivered to the Clerk's Office for certification and submission to the Court of Appeals.

#### **I. TECHNICAL FAILURES**

1. The Clerk's Office shall deem the Middle District of Georgia CM/ECF internet site to be subject to a technical failure on a given day if the site is unable to accept filings. Known systems outages will be posted on the web site, if possible. If you are unable to file electronically, refer to Section I.D. of this manual for instructions.
2. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware/software problems will not excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally or contact the Clerk's Office for permission to file the document provisionally via fax. If the filer provisionally files a document, the filer then must conventionally or electronically file the document within twenty-four hours after faxing it.

#### **J. PRIVACY**

##### **1. In General**

To address the privacy concerns created by Internet access, you should not include certain types of sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available over the Internet via CM/ECF. If sensitive information must be included, the following personal data identifiers **must be redacted** from the document, whether it is filed traditionally or electronically, unless otherwise ordered by the Court:

- (a) **Social Security numbers.** If an individual's social security number must be included in a document, only the last four digits of that number should be used.
- (b) **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- (c) **Dates of birth.** If an individual's date of birth must be included in a document, only the year should be used.
- (d) **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- (e) **Home addresses.** If a home address must be included, only the city and state should be listed.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may file conventionally an un-redacted document under seal. This document will be retained by the court as part of the record. The court will, however, still require a party to electronically file a redacted copy for the public file.

In addition, exercise caution when filing documents that contain the following:

- (a) Personal identifying numbers, such as driver's license number;
- (b) Medical records, including treatment and diagnosis records;
- (c) Employment history;
- (d) Proprietary or trade secret information; and
- (e) Other data as permitted by order of the court.

**Counsel is strongly urged to share this information with all clients** so that an informed decision about the inclusion, redaction and/or exclusion of certain materials may be made. It is the **sole responsibility of counsel**



**and the parties** to ensure redaction of personal identifiers; the clerk **will not** review each pleading for redaction.

**SPECIAL NOTICE TO ATTORNEYS INVOLVED IN SOCIAL SECURITY CASES - It is your responsibility to provide the U.S. Attorneys' Office with the social security number of the plaintiff upon the filing of a new social security case. You will need to contact Elaine Storey by phone at 478-621-2719 with this information and follow up through U.S. Postal mail with a written confirmation addressed to her attention at: United States Attorney's Office, P. O. Box 1702, Macon, Georgia, 31202.**

2. Transcript Redaction

Because Judicial Conference policy states that counsel may request the redaction of specific personal data identifiers from a transcript before it is made electronically available to the general public, original transcripts filed by court reporters will not be electronically available to the public. If a redacted version is requested by the attorney and filed with the court, the transcript will be available electronically to the public in redacted form. Only attorneys of record and the court will have electronic access to the un-redacted version.

**III. PROCEDURES FOR FILING OF SOCIAL SECURITY APPEALS AND HABEAS CORPUS CASES ( U.S. C. 28 §2254, §2241, AND §2255)**

**A. SOCIAL SECURITY APPEALS**

As in the case of all other initial filings, complaints setting forth appeals of denial of Social Security benefits shall be filed conventionally, and service shall be made as provided in Rule 4 of the Federal Rules of Civil Procedure. Thereafter, absent a showing of good cause, all correspondence, documents, notices, and orders filed in Social Security appeals shall be filed and noticed electronically, except as noted below:

1. Transcripts and exhibits normally filed with the Answer in Social Security cases shall be conventionally filed and served since scanning such transcripts and exhibits, as well as filing or retrieving them electronically, is impractical at this time. Because these items will not be scanned or otherwise placed into CM/ECF, the Clerk's Office will make an entry on the docket stating that they are available in paper format in the Clerk's Office.

2. All other documents in the case, including letters, briefs, motions, orders, and such other documents as the court may require and direct, shall be filed and served electronically unless the court otherwise orders.
3. **To address the privacy issues inherent in a Social Security review, Internet access to the individual documents will be limited to counsel of record and court staff.** Docket sheets, however, will be available over the Internet to non-parties. Further, non-parties will continue to have direct access to the documents on file at the Clerk's Office.

**B. HABEAS CORPUS CASES (28 U.S.C. §2254 AND 28 U.S.C. §2241)**

Unless the petitioner in these cases is filing *pro se*, these filing procedures apply. (*Pro se* filers should refer to section IV.C. for filing instructions.)

As in the case of all other initial filings, petitions seeking relief under 28 U.S.C. §2254 shall be filed conventionally utilizing forms provided by the court or in substantial compliance with such forms. Filing shall be in accordance with provisions of Rule 3 of the Rules Governing Section 2254 Cases in the United States District Courts. There shall be no service unless and until ordered by a judge of the court following preliminary consideration in accordance with Rule 4 of said Rules. Service shall be made conventionally in the manner provided for in Rule 4. Thereafter, absent a showing of good cause, all correspondence, documents, notices, and orders filed in such cases shall be filed and noticed electronically, except as noted below:

1. Transcripts and exhibits normally filed in such cases with the Answer/Response shall be conventionally filed and served since scanning such transcripts and exhibits, as well as filing or retrieving them electronically, is impractical at this time. Because these items will not be scanned or otherwise placed into CM/ECF, the Clerk's Office will docket a text-only event stating that they are available in paper format in the Clerk's Office.
2. All other documents in the case, including correspondence, briefs, motions, orders, and such other documents as the court may require and direct, shall be filed and served electronically unless the court otherwise orders.

Habeas Corpus petitions submitted under 28 U.S.C. §2241 shall be filed, considered and served in the same manner as those submitted under 28 U.S.C. §2254, and the exceptions set forth above shall apply thereto.

### **C. HABEAS CORPUS CASES (28 U.S.C. §2255)**

(Petitioners represented by counsel should refer to Section III. of the Administrative Procedures for Filing, Signing, and Verifying Documents by Electronic Means in Criminal Cases. *Pro se* litigants should refer to Section IV.C. of the Administrative Procedures for Filing, Signing, and Verifying Documents by Electronic Means in Criminal Cases.)

## **IV. CONVENTIONAL FILING OF DOCUMENTS**

The following procedures govern documents filed conventionally. The court, upon application, may also authorize conventional filing of other documents otherwise subject to these procedures.

### **A. CASE INITIATING DOCUMENTS**

As set forth in section II.A.3. of this manual, complaints and other case initiating documents requiring a filing fee must be filed conventionally with the court until further notice. These documents will be scanned and filed in CM/ECF by Clerk's Office personnel.

### **B. TRANSCRIPT INFORMATION FORM**

Until further notice, the Transcript Information Form will need to be filed conventionally.

### **C. DEPOSITIONS**

Depositions that are allowed to be filed in accordance with Local Rule 5.1 must be filed conventionally.

### **D. FILINGS BY *PRO SE* LITIGANTS**

*Pro se* filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents which must be signed or which require either verification or an unsworn declaration under any rule or statute. The Clerk's Office will scan original documents in these cases, file them in CM/ECF, and retain the paper documents.

### **E. DOCUMENTS TO BE FILED UNDER SEAL**

All motions or applications to file documents under seal along with a proposed order and the document(s) to be sealed should be presented to the Clerk's Office in conventional format. If the motion or application is granted, the assigned judge, or his designee, will enter electronically the order authorizing the filing of the documents

under seal and the documents will be returned to the Clerk's Office for conventional filing under seal.

**F. SERVICE OF CONVENTIONAL OR 3.5 INCH DISKETTE/CD FILINGS**

Pleadings or other documents which are filed conventionally or on a 3.5 inch diskette or CD, rather than electronically, shall be served on parties entitled to notice in the manner provided in the Federal Rules of Civil Procedure except as otherwise provided by order of the Court.

**V. EXHIBITS**

**A. ELECTRONIC FILING**

1. A filing party should electronically image, *i.e.*, "scan," a paper exhibit and submit the exhibit as a PDF file. To be accepted by CM/ECF, files will need to be segmented into individual files no larger than ten megabytes each (see Section I.C., Technical Specifications).
2. For exhibits filed electronically, an exhibit list should be filed and each item on the list should be included as an attachment to the filing. If the exhibits are submitted as evidentiary materials for a motion that has been filed, they should be included, along with the list of exhibits, as attachments to the motion being filed.
3. Because scanned documents that are colored can potentially create very large files and can take much longer to upload in CM/ECF, filing parties must configure their scanners to scan documents **at 300 dpi in black and white** in order to minimize file size. However, color documents that may need to appear in their original form for the record, such as color photographs, may be scanned in color before uploading to CM/ECF.
4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court.

**B. CONVENTIONAL FILING**

1. A party may submit for conventional filing exhibits which are not available in electronic form or which are too lengthy to electronically image, *i.e.*, "scan." However, the party must electronically file a Notice Regarding Exhibit Attachment (see sample Form C). Lengthy documents submitted to the Clerk's Office in paper form should be bound with two or three-hole punches. The Clerk's Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry.

2. An exhibit list shall be included along with the paper documents (as described in B.1. above) for filing in the Clerk's Office. If a motion related to the exhibits has been filed, it must be identified on the exhibit list.
3. Exhibits submitted conventionally shall be served on other parties conventionally.

### **C. TRIAL EXHIBITS**

Exhibits presented for trials and other proceedings will not initially be filed electronically. Such documents will not be placed into the electronic filing system until the Court requires that they become a part of the official public record. Once they are admitted into evidence, the party submitting the exhibits may be asked to provide them to the court in electronic format if available. The court will then file them electronically or conventionally as appropriate.

## **VI. PUBLIC ACCESS TO THE SYSTEM**

### **A. PUBLIC ACCESS AT THE COURT**

Electronic access to the electronic docket and documents filed in CM/ECF is available for viewing to the public at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1914.

### **B. INTERNET ACCESS**

Remote electronic access to CM/ECF for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information.<sup>4</sup>

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<sup>4</sup> According to a memorandum from the Administrative Office of the United States Courts dated April 9, 2002, non-judiciary CM/ECF users will be charged a fee of seven cents per page starting on July 1, 2002, to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of thirty pages per document has been approved.

The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged seven cents a page.

**C. CONVENTIONAL COPIES AND CERTIFIED COPIES**

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA**

	)	
	)	
Plaintiff,	)	Case No.
	)	
vs	)	
	)	
Defendant.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on **<date>**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: \_\_\_\_\_.

I also certify that I have mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants: \_\_\_\_\_.

Respectfully submitted,

s/[Name of Password Registrant]  
Name of Password Registrant  
Address  
City, State, Zip Code  
Phone: (xxx) xxx-xxxx  
Fax: (xxx) xxx-xxxx  
E-mail: xxx@xxx.xxx  
[attorney bar number, if applicable]

**FORM B**

# **S A M P L E F O R M A T**

## **IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA**

Plaintiff,	)	
	)	Case No.
	)	
vs	)	
	)	
	)	
Defendant.	)	

### **NOTICE OF MANUAL FILING**

Please take notice that **[Plaintiff/Defendant, Name of Party]** has manually filed the following document or thing **[Title of Document or Thing]**. This document has not been filed electronically because **[Enter Reason for Manual Filing]** . The document or thing has been manually served on all parties.

Respectfully submitted,

s/[Name of Password Registrant]  
Name of Password Registrant  
Address  
City, State, Zip Code  
Phone: (xxx) xxx-xxxx  
Fax: (xxx) xxx-xxxx  
E-mail: xxx@xxx.xxx  
[attorney bar number, if applicable]



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA**

	)	
	)	
Plaintiff(s),	)	Case No.
	)	
vs	)	
	)	
	)	
Defendant(s).	)	

**NOTICE REGARDING EXHIBIT ATTACHMENT**

Exhibit \_\_\_\_\_ which is an attachment to \_\_\_\_\_  
is in paper form only and is being maintained in the case file in the Clerk's Office.

Respectfully submitted,

s/[Name of Password Registrant]  
Name of Password Registrant  
Address  
City, State, Zip Code  
Phone: (xxx) xxx-xxxx  
Fax: (xxx) xxx-xxxx  
E-mail: xxx@xxx.xxx  
[attorney bar number, if applicable]

## **APPENDIX A**

### **CM/ECF UTILITIES OPTIONS**

#### **I. MAINTAINING YOUR CM/ECF ACCOUNT**

The Utilities feature in CM/ECF provides the capability to update the following information in your account profile:

- ▶ Physical address, telephone number, FAX number
- ▶ Primary e-mail address and other e-mail addresses to receive notice
- ▶ Cases for which notice is to be received
- ▶ Frequency of notices to be received (e.g. for each filing or a daily summary)

To use this feature, click on the Maintain Your Account hyperlink under the Utilities option to open the Maintain User Account information screen.

This screen displays all of the registration information that is contained in CM/ECF for your account including your Bar Identification Number. **YOU WILL BE RESPONSIBLE FOR CHANGING INFORMATION ON THIS SCREEN AS NECESSARY.** From this screen, you can select options to update email information or change your login or password.

##### **A. To update e-mail and noticing information:**

- ▶ Click on the [E-mail information] button.
- ▶ CM/ECF will e-mail to parties a Notice of Electronic Filing based upon the information entered on this screen. Perform the following steps to enter additional e-mail addresses for individuals that you want CM/ECF to notify regarding new case pleadings and other documents.
  - ▶ Enter a check mark by clicking on the box to the left of the line, which reads "to these additional addresses".
  - ▶ Enter the e-mail addresses of those individuals you wish to notify concerning CM/ECF activity. This data entry field has a capacity of 250 characters for approximately ten e-mail addresses.
  - ▶ The system defaults to the option for "Send notices for cases in which I am involved". However, you may want to receive notice on other cases as well but are not an attorney of record. To do this, click on "Send notice in these additional cases". In the box to the right of this, enter the case numbers each on a separate line using the format YY#### (ex. 97-1234).

- ▶ You should also select the type of notice you would like to receive. The default is “Send a notice for each filing” which tells the system to send a notice to you immediately after each filing. To get a daily summary of notices you are to receive, select “Send a Daily Summary Report” which will be sent at the end of day (usually right after midnight).
- ▶ Under Format notices, leave the format of the notice as “html format for Netscape or ISP e-mail service” unless you experience problems with the formatting of notices.
- ▶ If you wish to enter completely new information about your account, use the [Clear] button to clear the fields on this screen.
- ▶ After updating your account information, click on the [Return to Account screen] button to return to the Maintain User Account screen.
- ▶ Click on the [Submit] button to submit the changes. You will receive a confirmation screen listing the cases and e-mails options you have selected.

**B. To edit or view login/password information about your account:**

- ▶ Click on the button labeled [More user information] from the Maintain User Account screen.
- ▶ The next screen displays user login/password information and provides the means to change your CM/ECF login and password. To change your login or password, type in the new information in the block(s) provided and click on the [Return to Account screen] button to return to the Maintain User Account screen.
- ▶ When you are satisfied that all of your account information is accurate and up-to-date, click on the [Submit] button at the bottom of the Maintain User Account screen to submit your changes. You may begin using the login and/or password when you next login to CM/ECF.

## **II. VIEWING YOUR TRANSACTION LOG**

This feature allows you to review your transactions in CM/ECF and verify that all of the transactions you entered are reflected in the Transaction Log and that no unauthorized individuals have entered transactions into the system using your login name and password.

- ▶ From the Utilities screen, click on the [View your Transaction Log] button.

- ▶ A screen appears with two fields for entering the Date Selection Criteria for a Transaction Log Report. Enter the date range for your report and click on the [Submit] button.
- ▶ The system will display a report of all your transactions within the date range you specified for Date Selection Criteria.